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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,177	06/25/2003	Dallas B. Wynn	PLR-03-236.01P	5200
27268	7590	11/09/2006	EXAMINER VASUDEVA, AJAY	
BAKER & DANIELS LLP 300 NORTH MERIDIAN STREET SUITE 2700 INDIANAPOLIS, IN 46204			ART UNIT 3617	PAPER NUMBER

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/607,177	WYNNE ET AL.	
	Examiner	Art Unit	
	Ajay Vasudeva	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 35 is/are allowed.
- 6) ☒ Claim(s) 17-21, 26-29 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 22-25 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-21 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitehead (US 4,609,360 A).

Re claims 17 and 26, Whitehead shows a watercraft (fig. 10) with a conventional V-bottom hull (col. 2, line 67) that extends a length of the boat. The central longitudinal area of the V-bottom hull is considered to be the center keel strip. A small portion of the keel strip that extends over the middle third of the boat is considered to be the center keel section.

The watercraft has twin propeller tunnels, each having at least a forward flow chamber [14] that start about amidships (col. 1, lines 49-50). The forward flow chamber of each tunnels forms at least one depression – or trough -- on each side of the keel portion (col. 4, lines 9-11), wherein the trough depth along the keel section increases from front to rear (fig. 4). The keel portion clearly has a section length of at least 3 feet. Re claim 18, only the narrow central area of the hull -- limited to a width of approximately 10 inches – is considered as forming the keel strip.

Art Unit: 3617

3. Claims 17-21, 26-29 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2387840 ('840).

Re claims 17, 26 and 31, FR ('840) shows a watercraft (fig. 2 and 3) with a V-shaped center keel portion extending over at least the middle third of the length of the hull. The keel portion has keel troughs on either side that increase in depth from front to the rear of the watercraft. The keel portion clearly has a section length of at least 3 feet. As seen in fig 8, lines C<sub>2</sub> to C<sub>5</sub> are curved at the maximum trough depths to indicate concave portions, which are considered to be concave areas required by claim 31.

#### ***Allowable Subject Matter***

4. Claims 1-16 and 35 are allowed.

5. Claims 22-25 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments, filed 6/27/2006, with respect to the rejection of claims 17-21 and 26-29 under 35 U.S.C. 102(b) based on Whitehead ('360) have been fully considered. However, a new ground of rejection is made based on a different embodiment shown in fig. 10 of the Whitehead ('360) reference. Therefore, Applicant's arguments are rendered moot in view of the new ground(s) of rejection.

Art Unit: 3617

7. Regarding the rejection of claims 17-21, 26-29 and 31-33 under 35 U.S.C. 102(b) based on FR ('840), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record in the attached PTO Form 892, but not yet relied upon, is considered pertinent to applicant's disclosure.

- Previously cited references FR ('696) and JP ('994) each shows keel troughs on either side of a V-shaped keel, wherein the keel troughs increase in depth from front to the rear.

Examiner's Observations: The limitation "*concave area*" recited in claim 31 is broadly interpreted to mean any hollow or depressed area. The area may not necessarily have a spherical or a curved profile to be considered "a concave", as being implied by Applicant's arguments.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3617


however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10: Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ajay Vasudeva  
Examiner  
Art Unit 3617

  
AJAY VASUDEVA 9/15/06  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3617